

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 59th LEGISLATURE - REGULAR SESSION

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By **CHAIRMAN MARK E. NOENNIG**, on February 17, 2005
at 3:00 P.M., in Room 172 Capitol.

ROLL CALL

Members Present:

Rep. Mark E. Noennig, Chairman (R)
Rep. Wayne Stahl, Vice Chairman (R)
Rep. Elsie Arntzen (R)
Rep. Debby Barrett (R)
Rep. Margaret H. Campbell (D)
Rep. Sue Dickenson (D)
Rep. Emelie Eaton (D)
Rep. Christopher Harris (D)
Rep. Gordon R. Hendrick (R)
Rep. Teresa K. Henry (D)
Rep. Mike Jopek (D)
Rep. Gary MacLaren (R)
Rep. Rick Maedje (R)
Rep. Dave McAlpin (D)
Rep. Tom McGillvray (R)
Rep. Bernie Olson (R)

Members Excused:

Rep. Hal Jacobson, Vice Chairman (D)
Rep. Mary Caferro (D)

Members Absent: None.

Staff Present: Susan Fox, Legislative Branch
Kyanne Kelly, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 580, 2/11/2005; HB 538,
2/11/2005; HB 507, 2/11/2005; HB
523, 2/11/2005; HB 636,
2/11/2005; HB 743, 2/11/2005
Executive Action: HB 580, HB 507, HB 444, HB 454, HB
474, HB 498, HB 479, HB 480, HB 503
HB 594, HB 626, HB 523, HB 538, HB
636, HB 743, HB 342, HB 133

HEARING ON HB 580

Opening Statement by Sponsor:

REP. MIKE JOPEK (D), HD 4, opened the hearing on HB 580, Revise public hearing process for minor subdivisions.
00:00:35

Proponents' Testimony: None

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

00:01:59

EXECUTIVE ACTION ON HB 580

Motion/Vote: REP. OLSON moved that HB 580 BE TABLED. Motion carried unanimously by voice vote.

HEARING ON HB 538

Opening Statement by Sponsor:

REP. EDWARD BUTCHER (R), HD 29, opened the hearing on HB 538, Elk permit availability for emergency service auction or raffle.
00:02:45

Proponents' Testimony:

00:11:10 REP. GORDON HENDRICK, HD 14, SUPERIOR
00:11:46 REP. RICK MAEDJE, HD 2, FORTINE
00:12:06 Trevis Butcher, Winifred Assistant Fire Chief
[EXHIBIT\(loh39a01\)](#)
00:14:57 Lester Slivka, Winifred Fire Chief
[EXHIBIT\(loh39a02\)](#)
00:17:05 Carl Seilstad, Fergus County Commissioner
00:18:31 Steve Locks, Winifred Volunteer Fireman
00:19:11 Richard Barnard, Saco
[EXHIBIT\(loh39a03\)](#)

Opponents' Testimony:

00:20:09 Bob Lane, Fish, Wildlife and Parks
[EXHIBIT\(loh39a04\)](#)

Informational Testimony: None

Questions from Committee Members and Responses:

00:23:04

Closing by Sponsor:

00:37:18

HEARING ON HB 507

Opening Statement by Sponsor:

REP. LLEW JONES (R), HD 27, opened the hearing on **HB 507**, Allow more compensation for clerk & recorder who is an election administrator.

00:40:49

Proponents' Testimony:

00:43:26 Robert Throssell, Montana Association of Clerk and
Recorders
00:44:52 Art Kleinjan, Blaine County Commissioner
00:45:47 Elaine Gravely, Secretary of States Office
00:46:46 Gordon Morris, Montana Association of Counties
00:47:09 Arnold Gedde, Teton County Commissioner
00:47:28 Bonnie Ramey, Jefferson County Clerk and Recorder
00:50:05 Janice Hoppes, Pondera County Clerk and Recorder

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:51:50

Closing by Sponsor:

00:54:06

HEARING ON HB 523

Opening Statement by Sponsor:

REP. JOHN SINRUD (R), HD 67, opened the hearing on HB 523, Distribute lottery proceeds to county retirement fund.

00:55:41

[EXHIBIT](#)(loh39a05)

Proponents' Testimony: None

Opponents' Testimony:

00:57:15 Eric Feaver, MEA-MFT

Informational Testimony:

00:59:57 David Senn, Teacher's Retirement Fund

Questions from Committee Members and Responses:

01:02:29

Closing by Sponsor:

01:13:45

HEARING ON HB 636

Opening Statement by Sponsor:

REP. WAYNE STAHL (R), HD 35, opened the hearing on HB 636, Revise the bid threshold for municipal government contracting and bidding.

01:23:32

Proponents' Testimony:

01:24:47 Alec Hansen, League of Cities and Towns

01:26:55 Joe Mazurek, City of Great Falls

Opponents' Testimony: None

Informational Testimony:

01:27:35 Gordon Morris, Montana Association of Counties

Questions from Committee Members and Responses:

01:28:05

Closing by Sponsor:

01:31:38

HEARING ON HB 743

Opening Statement by Sponsor:

REP. CHRISTOPHER HARRIS (D), HD 66, opened the hearing on HB 743, Clarify authority for local government employment contracts.

01:32:21

Proponents' Testimony:

01:34:58 Joe Mazurek, City of Great Falls
01:36:12 Alec Hansen, League of Cities and Towns
01:37:40 Janie McCall, City of Billings
01:38:37 Gordon Morris, Montana Association of Counties

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

01:39:20

Closing by Sponsor:

01:40:20

EXECUTIVE ACTION ON HB 507

Motion/Vote: REP. HENDRICK moved that HB 507 DO PASS. Motion carried unanimously by voice vote. REPS. JACOBSON, CAFERRO, ARNTZEN, STAHL voted by proxy.

Motion/Vote: REP. HENDRICK moved that HB 507 BE PLACED ON THE CONSENT CALENDAR. Motion carried unanimously by voice vote. REPS. JACOBSON, CAFERRO, ARNTZEN, STAHL voted by proxy.

REPS. STAHL AND CAFERRO entered the room.

EXECUTIVE ACTION ON HB 444

Motion: REP. HENDRICK moved that HB 444 DO PASS.

Discussion:

01:43:51

Motion/Vote: REP. MAEDJE moved that HB 444 BE TABLED. Motion carried unanimously by voice vote. REPS JACOBSON AND ARNTZEN voted by proxy.

EXECUTIVE ACTION ON HB 454

Motion: REP. NOENNIG moved that HB 454 DO PASS.

Discussion:

01:45:28

[EXHIBIT](#)(loh39a06)

Motion: REP. NOENNIG moved HB 454 be amended.

Discussion:

01:45:56

Vote: Motion carried unanimously by voice vote. REPS. ARNTZEN AND JACOBSON voted by proxy

Motion: REP. NOENNIG moved that HB 454 DO PASS AS AMENDED.

REP. ARNTZEN entered the room.

Discussion:

01:47:43

Vote: Motion carried 10-8 by roll call vote with REP. CAFERRO, REP. DICKENSON, REP. EATON, REP. HARRIS, REP. JACOBSON, REP. JOPEK, REP. MACLAREN, and REP. MCALPIN voting no. REP. JACOBSON voted by proxy.

EXECUTIVE ACTION ON HB 474

Motion: REP. MCGILLVRAY moved that HB 474 DO PASS.

Discussion:

01:54:56

Motion: REP. DICKENSON moved that HB 474 BE AMENDED.

Discussion:

02:10:43

Vote: Motion failed 4-14 by voice vote with REP. DICKENSON, REP. EATON, REP. HARRIS, and REP. JACOBSON voting aye. REP. JACOBSON voted by proxy.

Discussion:

02:13:02

Vote: Motion carried 15-3 by roll call vote with REP. MACLAREN, REP. MAEDJE, and REP. NOENNIG voting no. REP. JACOBSON voted by proxy.

EXECUTIVE ACTION ON HB 498

Motion: REP. OLSON moved that HB 498 DO PASS.

Discussion:

02:19:57

Vote: Motion failed 3-15 by voice vote with REP. CAMPBELL, REP. EATON, and REP. JOPEK voting aye. REP. JACOBSON voted by proxy.

Motion/Vote: REP. HENDRICK moved that HB 498 BE TABLED AND THE VOTE REVERSED. Motion carried 15-3 by voice vote with REP. CAMPBELL, REP. EATON, and REP. JOPEK voting no. REP. JACOBSON voted by proxy.

EXECUTIVE ACTION ON HB 479

Motion: REP. HENDRICK moved that HB 479 DO PASS.

Discussion:

02:24:16

Motion/Vote: REP. HENDRICK moved that HB 497 BE TABLED. Motion carried unanimously by voice vote. REP. JACOBSON voted by proxy.

EXECUTIVE ACTION ON HB 480

Motion/Vote: REP. JOPEK moved that HB 480 DO PASS. Motion failed 9-9 by roll call vote with REP. CAFERRO, REP. CAMPBELL, REP. EATON, REP. HARRIS, REP. HENRY, REP. JACOBSON, REP. JOPEK, REP. MACLAREN, and REP. MAEDJE voting aye. REP. JACOBSON voted by proxy.

EXECUTIVE ACTION ON HB 503

Motion: REP. JOPEK moved that HB 503 DO PASS.

Discussion:

02:29:14

Vote: Motion failed 7-11 by roll call vote with REP. CAMPBELL, REP. HARRIS, REP. HENRY, REP. JACOBSON, REP. JOPEK, REP. MACLAREN, and REP. MAEDJE voting aye. REP. JACOBSON voted by proxy.

Motion/Vote: REP. JOPEK moved that HB 503 BE TABLED AND THE VOTE REVERSED. Motion carried 11-7 with REP. CAMPBELL, REP. HARRIS, REP. HENRY, REP. JACOBSON, REP. JOPEK, REP. MACLAREN, and REP. MAEDJE voting no. REP. JACOBSON voted by proxy.

EXECUTIVE ACTION ON HB 594

Motion: REP. HENDRICK moved that HB 594 DO PASS.

Discussion:

02:42:22

[EXHIBIT](#)(loh39a07)

Motion/Vote: REP. JOPEK moved that HB 594 BE AMENDED. Motion carried unanimously by voice vote. REP. JACOBSON voted by proxy.

Motion: REP. JOPEK moved that HB 594 DO PASS AS AMENDED.

Discussion:

02:43:26

Vote: Motion failed 3-15 by voice vote with REP. BARRETT, REP. MAEDJE, and REP. STAHL voting aye. REP. JACOBSON voted by proxy.

Motion/Vote: REP. JOPEK moved that HB 594 BE TABLED AND THE VOTE REVERSED. Motion carried 15-3 by voice vote with REP. BARRETT, REP. MAEDJE, and REP. STAHL voting no. REP. JACOBSON voted by proxy.

EXECUTIVE ACTION ON HB 626

Motion: REP. HENDRICK moved that HB 626 DO PASS.

Discussion:

02:54:53

Vote: Motion failed 7-11 by roll call vote with REP. ARNTZEN, REP. BARRETT, REP. HENDRICK, REP. MACLAREN, REP. MAEDJE, REP. MCGILLVRAY, and REP. STAHL voting aye. REP. JACOBSON voted by proxy.

Motion/Vote: REP. MACLAREN moved that HB 626 BE TABLED AND THE VOTE REVERSED. Motion carried 11-7 by voice vote with REP. ARNTZEN, REP. BARRETT, REP. HENDRICK, REP. MACLAREN, REP. MAEDJE, REP. MCGILLVRAY, and REP. STAHL voting no. REPS. JACOBSON voted by proxy.

EXECUTIVE ACTION ON HB 523

Motion: REP. STAHL moved that HB 523 DO PASS.

Discussion:

03:04:45

Vote: Motion failed 8-10 by roll call vote with REP. ARNTZEN, REP. BARRETT, REP. HENDRICK, REP. MACLAREN, REP. MAEDJE, REP. MCGILLVRAY, REP. NOENNIG, and REP. STAHL voting aye. REP. JACOBSON voted by proxy.

Motion/Vote: REP. JOPEK moved that HB 523 BE TABLED AND THE VOTE REVERSED. Motion carried 10-8 by voice vote with REP. ARNTZEN, REP. BARRETT, REP. HENDRICK, REP. MACLAREN, REP. MAEDJE, REP. MCGILLVRAY, REP. NOENNIG, and REP. STAHL voting no. REP. JACOBSON voted by proxy.

EXECUTIVE ACTION ON HB 538

Motion: REP. HENDRICK moved that HB 538 DO PASS.

Discussion:

03:12:04

Motion: REP. MAEDJE moved that HB 538 BE AMENDED.

Discussion:

03:17:10

Without objection REP. MAEDJE withdrew his motion to amend.

Vote: DO PASS Motion passed 14-4 by roll call vote with REP. HARRIS, REP. JOPEK, REP. MCALPIN, and REP. JACOBSON voting no. REP. JACOBSON voted by proxy.

EXECUTIVE ACTION ON HB 636

Motion/Vote: REP. HARRIS moved that HB 636 DO PASS. Motion carried unanimously by voice vote. REP. JACOBSON voted by proxy.

EXECUTIVE ACTION ON HB 743

Motion: REP. HARRIS moved that HB 743 DO PASS.

Motion/Vote: REP. NOENNIG moved that HB 743 BE AMENDED. Motion carried unanimously by voice vote. REP. JACOBSON voted by proxy.

Motion/Vote: REP. HARRIS moved that HB 743 DO PASS AS AMENDED. Motion carried unanimously by voice vote. REP. JACOBSON voted by proxy.

EXECUTIVE ACTION ON HB 342

Motion: REP. MAEDJE moved that HB 342 DO PASS as amended.

Discussion:

03:28:26

[EXHIBIT](#)(loh39a08)

Vote: Motion carried 10-8 by roll call vote with REP. BARRETT, REP. CAFERRO, REP. DICKENSON, REP. HENRY, REP. MCALPIN, REP. MCGILLVRAY, REP. NOENNIG, and REP. OLSON voting no. REP. JACOBSON voted by proxy.

EXECUTIVE ACTION ON HB 133

Motion: REP. STAHL moved that HB 133 BE REMOVED FROM THE TABLE and DO PASS.

Discussion:

03:39:34

Substitute Motion/Vote: REP. JOPEK made a substitute motion that HB 133 BE TABLED. Substitute motion carried 10-8 with REP. ARNTZEN, REP. BARRETT, REP. HENDRICK, REP. MACLAREN, REP. MAEDJE, REP. MCGILLVRAY, REP. OLSON, and REP. STAHL voting no. REP. JACOBSON voted by proxy.

ADJOURNMENT

Adjournment: 7:00 P.M.

REP. MARK E. NOENNIG, Chairman

KYANNE KELLY, Secretary

MN/kk

Additional Exhibits:

EXHIBIT ([loh39aad0.PDF](#))